

TIFFANY TOTH
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1	T. TOTH	T. TOTH
2	Do you recall what that was for?	2 for the reposting from First Slice Media, this was
3	A I don't recognize that name either.	3 all part of your tax returns in 2015, correct?
4	Q Okay. And the next page which is	4 A It should be, if it was. My husband does
5	Plaintiff's 001129. There's a check for \$ [REDACTED] from	5 the taxes, so I just hand over everything.
6	Spicy Lingerie.	6 Q I just want to make sure that I understand
7	Do you recall what this was for?	7 that your income from 2015, your reported income of
8	A I do not. It just says hashtag model. So	8 \$ [REDACTED]. I want to see how much of that is
9	I don't know.	9 attributed to modeling and how much of that is
10	Q Have you ever done any work for Spicy	10 attributed to posting, makeup, whatever else you're
11	Lingerie outside of modeling?	11 doing on the side.
12	A What do you mean?	12 Do you have any idea of how much this
13	Q Other than modeling for photo shoots, have	13 \$ [REDACTED] would be attributed to modeling?
14	you done any other work with them?	14 MR. GOLASZEWSKI: Objection.
15	A I don't remember if I have for not.	15 A All of it, because that's my -- I mean, I
16	Q The next page which is marked as	16 only work maybe makeup jobs here on there if I want
17	Plaintiff's 001130, and this says financial	17 to. But for the most part, it's -- I'd say,
18	statements. I don't know what this is. This was	18 99 percent is modeling.
19	produce indeed discovery.	19 Q So do you consider the reposting on
20	Is this from your checking account?	20 Facebook modeling?
21	A This looks like PayPal.	21 A It is, yes.
22	Q So where it has sales activity of	22 Q Same thing. So for this First Slice
23	\$ [REDACTED].	23 Media -- just talking about them only -- correct me
24	Do you see that five rows down?	24 if I'm wrong, I think you said before that you were
25	A Yes.	25 reposting articles?
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1	T. TOTH	T. TOTH
2	Q Is that from your sales of photographs?	2 A Yes, articles. But about -- they could
3	A That would have been anybody who paid me	3 have an article about you if they wanted, as well.
4	with PayPal. So I couldn't give a specific, who	4 Q But not all the reposting that you're
5	it's from or from what.	5 doing has a picture of you this it, correct?
6	Q So you have no way to know how much of	6 A Correct.
7	this \$ [REDACTED] is attributed to modeling, correct?	7 Q And that's all encompassed in this
8	A I mean, it would all be from modeling,	8 modeling Schedule C, correct?
9	because I don't get PayPal money from anywhere else	9 A Yes.
10	besides if it's for like posting something or a job	10 MR. SPIEGEL: Off the record.
11	or -- I mean, nobody's just sending me money to my	11 (Whereupon, an off-the-record
12	PayPal, you know.	12 discussion was held at this
13	Q So prior to this when we're speaking about	13 time.)
14	you doing the posting, I think we saw a check here	14 Q So part of the allegations in the lawsuit
15	for First Slice Media, LLC for \$ [REDACTED].	15 is that you do not want to be associated with a
16	So when they gave you that money, they	16 strip club, correct?
17	give you a check?	17 A Correct.
18	A Yes.	18 Q Have you ever worked as an exotic dancer
19	Q So whenever you do posts on social media,	19 or stripper?
20	you receive checks?	20 A No.
21	A Checks or PayPal or direct deposit.	21 Q Have you ever worked in a strip club?
22	Q So sometimes you do receive PayPal	22 A No.
23	compensation when you're reposting on social media?	23 Q Have you ever worked as an escort, even no
24	A Yes.	24 just sex, companionship?
25	Q Okay. So this \$ [REDACTED] that you received	25 A No.

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1	T. TOTH	T. TOTH
2	Q Have you ever done any advertisement for a	Q Do you know them on a personal level?
3	strip club?	A No.
4	A No.	Q You just know them from the lawsuit?
5	Q Have you ever seen an advertisement for a	A Yes.
6	strip club?	Q I'm going to show you the caption of the
7	A Yes.	complaint which is marked as TT1. I would like you
8	Q Do you expect those women who are	8 to take a look at all the named plaintiffs and see
9	advertising for the strip club to be present at the	9 if you recognize any of the names.
10	strip club?	A Yes.
11	A Probably. If they're advertising it, yes.	Q Which ones do you recognize?
12	Q Have you ever been to a strip club?	A Gemma, Jessa.
13	A Yes.	Q Gemma's last name is Gemma Lee Farrell?
14	Q Have you ever seen an advertisement for	A Yes.
15	that strip club that you've been to?	Q And Jessa Hinton?
16	A What do you mean? Like on a billboard	A Yes. Jesse Golden. I think I worked with
17	somewhere?	Sheena back in the day. I don't know her
18	Q Sure.	personally, no. Heather Rae Young. Rachel.
19	A Yes.	Sabella, I think I worked with once. I know Ursala,
20	Q Were those women that you saw advertising	and I met Carmen once on a job.
21	for that strip club at the strip club?	Q So you know pretty much all of them?
22	A They could have been. I mean, sometimes	A Pretty much.
23	they're good looking. Sometimes they're not. It's	Q These are exhibits to the complaint, but
24	hard to tell sometimes.	I've redacted the names.
25	Q Have you ever typed your name into Google?	I just want to know if you could tell me
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1	T. TOTH	T. TOTH
2	A Back in the day, yes. But I keep from	who these people are.
3	doing so.	A Okay.
4	Q Not recently?	Q Because on the exhibits we received in the
5	A No, I do not Google my name. I refuse.	complaint, it has everyone's name, okay.
6	Q Are you aware that you have your image and	A Yes.
7	videos on pornographic websites?	Q So the first one I'm going to show you is
8	MR. GOLASZEWSKI: Objection.	Exhibit B of the complaint. Same photo, just with
9	A It happens, yes.	the name redacted.
10	Q Are you aware of it though?	Do you know who that is?
11	MR. GOLASZEWSKI: Objection.	A Yes, that's Gemma.
12	A Yes. I mean, you can't control everything	Q That's Gemma. Are you friends with Gemma?
13	on the internet.	A I know her because she's a Playmate as
14	Q Did you authorize pornographic websites	well.
15	to put your images or photos on their website?	Q Okay. I'm going to going to -- I'm sorry,
16	A No, not on their website.	this is Exhibit D of the complaint.
17	Q Have you ever tried to remove photos or	It's a smaller photo, but do you know who
18	videos of yourself from any pornographic websites?	that is?
19	A I'm sure I have.	A That looks like Heather.
20	Q Any that you recall?	Q Heather --
21	A I mean, I haven't Google in a long time.	A Heather Rae Young.
22	The only thing I search is on social media.	Q And if you could, turn to the next one
23	Q Are you familiar with the other plaintiffs	which is Exhibit E of the complaint.
24	in this case?	Do you know who that is?
25	A Yes.	A That would be Rachel, and Sabella on the

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1	T. TOTH	T. TOTH
2	right.	Does that happen often?
3	Q Turn to the next one, Exhibit G of the	MR. GOLASZEWSKI: Objection.
4	complaint.	A When I'm made up and look like my photos,
5	A Okay.	5 yes.
6	Q Do you recognize anyone in any of those	6 Q When did you get to New York?
7	photos?	7 A Last night.
8	A That would be -- oh, my God, why can't I	8 Q So when you got to New York, when you
9	think of her name right now.	9 arrived in New York, going from the airport to your
10	Q But you know who she is?	10 hotel and here today, has anyone recognized you?
11	A Yes. Her last name is Mayes.	11 MR. GOLASZEWSKI: Objection.
12	Q Can you turn to the next one, please,	12 A No, because I did not like my photo.
13	Exhibit H. Can you turn to the photo.	13 Q What about over the past week.
14	Do you know who that is?	14 Has anybody stopped and you recognized
15	A That's Jessa Hinton.	15 you?
16	Q Okay. Can you turn to the next one,	16 A I mean, sometimes people recognize me, but
17	please, Exhibit J?	17 they don't see anything. I'll see it later on my
18	A I'm sorry. Going back, it was Ursala.	18 social media like oh, I saw you here. Were you
19	MR. GOLASZEWSKI: Mayes.	19 here? Sometimes they come up to my husband. So I
20	A It's a unique name.	20 mean, they don't always tell you.
21	Q Exhibit J, can you look at the photograph?	21 Q So when you say when you're dressed up and
22	A Yes. That is Jesse. I think so. It's	22 when you're going for a photo shoot and you're in
23	pretty like grainy, but it looks like it's Jesse.	23 makeup?
24	Q If you could turn to the next one, Exhibit	24 MR. GOLASZEWSKI: Objection.
25	L of the complaint.	25 Q I'm just trying to clarify what you said
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1	T. TOTH	T. TOTH
2	A That's Jesse for sure.	2 before.
3	Q If you could turn to the next one, Exhibit	3 You're saying when you're dressed up,
4	M of the complaint.	4 people recognize you?
5	A I do not know her.	5 A Sometime, yeah. I mean, there have been
6	Q Okay. You can turn to the next one,	6 times I've been out and they recognize you too and I
7	Exhibit N of the complaint.	7 didn't look that great.
8	A That would be Sheena.	8 Q So did you have any friends or fans
9	Q Okay. Next one, Exhibit O of the	9 recognize you from the advertisements on the
10	complaint.	10 defendants' websites?
11	A That's carmen.	11 MR. GOLASZEWSKI: Objection.
12	Q Do you consider yourself famous or a	12 Q And inform you that you were associated
13	celebrity?	13 with the strip clubs?
14	MR. GOLASZEWSKI: Objection.	14 A I mean, I don't always check all the
15	A I mean, if people recognizing when you're	15 comments. But sometimes, I mean, with all my
16	out. I mean, it kind of depends on who you ask.	16 followers, they'll see it or they'll comment to me
17	Q Just you personally, do you think of	17 or they'll message me.
18	yourself as a celebrity?	18 What was the question exactly?
19	MR. GOLASZEWSKI: Objection.	19 Q Do any of your friends or fans, anyone
20	A I mean, how do you define that really?	20 ever recognize you through the ads that were
21	Q Well, do you put yourself out for the	21 displayed by the Clubs?
22	public?	22 A Yes.
23	A Yeah. So like an influencer, yes.	23 Q Did somebody post something online
24	Q So you're saying people stop and even	24 informing you of this, or did somebody call you?
25	recognize you when you're out.	25 Like how did you find out about that?

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1 T. TOTH	1 T. TOTH
2 Q I've had, like for example, like two years	2 right?
3 ago, I was in New York walking through Time Square,	3 A Yes.
4 and I was walking to dinner with my husband, and	4 Q Do you consider this picture to be
5 there's a picture of me, life-size in front of a	5 offensive?
6 strip club. Like sometimes I see them myself.	6 MR. GOLASZEWSKI: Objection.
7 There has been times fans have sent me saying they	7 A Not the photo when I shot it, no.
8 see it. I mean, it's so many people on social media	8 Q So what is offensive about this picture
9 now, it's not hard to find.	9 then?
10 And obviously, like us models will look	10 A Because someone took this without my
11 out for each other. They could be like hey, I saw	11 permission and put it on their flyer to hopefully
12 your picture here. I mean, we all kind of know each	12 bring in business. And my job is, I get paid to
13 other.	13 model, and they didn't pay me for this, and I don't
14 Q Has your agent -- does your agent know	14 do my job for free.
15 that your images were used to advertise for the	15 Q If you look at the --
16 strip clubs?	16 A And because it's a strip club, and I don't
17 MR. GOLASZEWSKI: Objection.	17 choose to be associated with a strip club.
18 A I think -- yeah, I'm pretty sure. I think	18 Q You said that you saw your image walking
19 so.	19 through Time Square in front of a strip club,
20 Q Did you tell your agent about it, or did	20 correct?
21 your agent tell you about it?	21 A Yes.
22 MR. GOLASZEWSKI: Objection.	22 Q Was it this image you saw?
23 A I don't remember.	23 A No, it was not this image.
24 Q When I say "your agent," I mean any of the	24 Q So turn the page, the second page of
25 agents that you have.	25 Exhibit A.
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1 T. TOTH	1 T. TOTH
2 A Yes.	2 Was it this image you saw?
3 Q Let's go back a second. Talking about all	3 A No, not this.
4 three of your agents, did any of them ever contact	4 Q It's a different image?
5 you and say your likeness was being associated with	5 A Yes.
6 a strip club?	6 Q It's the image not in Exhibit A here?
7 A No. I don't think that they -- I don't	7 A It's not for this company.
8 remember.	8 Q It's for a different strip club?
9 Q Okay. Have you ever been contacted by a	9 A Yeah. I'm just saying, like I've seen my
10 strip club offering you employment?	10 images out there.
11 A No. Not that I'm aware of.	11 Q Have you seen your image being advertised
12 Q Since these images have been posted, have	12 in front of a strip club for any of these named
13 you been contacted by any strip clubs looking to	13 defendants in this lawsuit?
14 post your pictures to advertise for them?	14 A No, because it was just that one time when
15 A No.	15 I was in New York which I am not here often.
16 Q So as far as these images that were used	16 Q Which strip club is it that you saw
17 by the clubs, what did you do to try have those	17 advertising your picture?
18 images removed?	18 A I mean, that's all confidential. So I
19 A I contacted a lawyer.	19 can't really say.
20 Q Let's go back to the complaint which is	20 Q No, you could say. This is subject to a
21 marked as TT1.	21 confidentiality agreement.
22 The first photo of Exhibit 1 is in	22 MR. GOLASZEWSKI: If you know the name of
23 promotion of the Halloween party, correct?	23 the club that in which the billboard was in
24 A Yes.	24 front of, you can certainly testify to that.
25 Q At the strip club, as far as you know,	25 A I think it was the Diamond one. I'm not

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<p>1 T. TOTH</p> <p>2 familiar with like all strip clubs, because they</p> <p>3 have different affiliations.</p> <p>4 Q So you were saying before that you</p> <p>5 contacted a lawyer.</p> <p>6 That wasn't regarding this lawsuit, it was</p> <p>7 regarding a different lawsuit against that club?</p> <p>8 A Correct.</p> <p>9 Q Without telling me the details of what</p> <p>10 happened, is that matter still going on, or has it</p> <p>11 been resolved?</p> <p>12 A It's been resolved.</p> <p>13 Q How long ago did you resolved it?</p> <p>14 A I don't remember exactly.</p> <p>15 Q So going back to the first picture,</p> <p>16 please, of Exhibit A of the complaint.</p> <p>17 How did you first come to find out about</p> <p>18 this picture being used by the strip club?</p> <p>19 A I don't remember.</p> <p>20 Q Did somebody bring this to your attention</p> <p>21 or did you see this yourself?</p> <p>22 A It could have been myself or it could have</p> <p>23 been another model maybe saw it. I mean, if one of</p> <p>24 us goes on there and sees one, we usually see girls</p> <p>25 we know, and we're not going to not tell each other.</p>	<p>1 T. TOTH</p> <p>2 Q But you currently have multiple lawsuits</p> <p>3 pending, correct?</p> <p>4 A Correct.</p> <p>5 Q Are the other establishments that you're</p> <p>6 suing also strip clubs?</p> <p>7 A Yes.</p> <p>8 Q All of them?</p> <p>9 A Not all of them.</p> <p>10 Q What other establishments are being sued?</p> <p>11 A Well, anyone I don't want to be affiliated</p> <p>12 with. For example, swinger clubs or strip clubs.</p> <p>13 Q If you look at the second image on the</p> <p>14 second page.</p> <p>15 Do you find this advertisement to be</p> <p>16 offensive?</p> <p>17 MR. GOLASZEWSKI: Objection.</p> <p>18 A Not the picture itself. Well, kind of,</p> <p>19 because it's saying that to leave anything to the</p> <p>20 imagination when the reality is even better.</p> <p>21 Meaning, that the reality of it is that I'm going to</p> <p>22 be here at the strip club which is not true. False</p> <p>23 advertisement.</p> <p>24 Q Okay. Thank you. We're going to stick on</p> <p>25 Exhibit A. I'm going to go through -- these are</p>
<p>1 T. TOTH</p> <p>2 But it's not hard. When you're on social media a</p> <p>3 lot, when it comes time for Halloween, there's a</p> <p>4 million Halloween parties, and then someone steals</p> <p>5 your image. It's not that hard. They're out there.</p> <p>6 They're advertising, obviously, so it's reaching</p> <p>7 people, and I'm one of those people.</p> <p>8 Q So if you go on Google Images and you do a</p> <p>9 search for you, you probably see a lot of pictures</p> <p>10 there that you didn't authorize of the use of,</p> <p>11 correct?</p> <p>12 MR. GOLASZEWSKI: Objection.</p> <p>13 A There could be.</p> <p>14 Q Have you ever done that, just done a</p> <p>15 Google Image search and look for the pictures that</p> <p>16 were published without your permission?</p> <p>17 A When I was younger, yes.</p> <p>18 Q But you don't do that anymore?</p> <p>19 A I haven't done it in years.</p> <p>20 Q So why do you choose to bring this</p> <p>21 particular lawsuit?</p> <p>22 A Because I became aware of this one. I</p> <p>23 mean, I can only take one at a time. If I could do</p> <p>24 them all, I would. But I will now, though, so thank</p> <p>25 you.</p>	<p>1 T. TOTH</p> <p>2 pretty specific allegations of the complaint. So</p> <p>3 I'm going to ask you certain things.</p> <p>4 So looking in Exhibit A of the complaints</p> <p>5 with these pictures here -- you could go through</p> <p>6 them if you'd like.</p> <p>7 A Okay.</p> <p>8 Q What about these images do you believe is</p> <p>9 misleading or false?</p> <p>10 MR. GOLASZEWSKI: Objection.</p> <p>11 A So what's false?</p> <p>12 Q False or misleading about these images in</p> <p>13 Exhibit A.</p> <p>14 A It's giving people the idea that I'm going</p> <p>15 to be at this event, and that I'm okay with being at</p> <p>16 a strip club -- I mean, being advertised that I</p> <p>17 either work there or I'm going to be there.</p> <p>18 What else does it say?</p> <p>19 And that girls are guaranteed to cool you</p> <p>20 off which is not true.</p> <p>21 Q Do you believe that using your image --</p> <p>22 A This --I'm sorry.</p> <p>23 Q No, I'm sorry. Continue.</p> <p>24 A This also says another hard week in front</p> <p>25 of you. Come and get ready for it. Which I'm not</p>

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<p>1 T. TOTH</p> <p>2 in front of whoever is going for this. Yeah, it's</p> <p>3 just offensive, because I'm not affiliated with any</p> <p>4 strip clubs.</p> <p>5 Q Do you believe that using your image had</p> <p>6 an effect on a person visiting the strip club?</p> <p>7 A Yes.</p> <p>8 Q In what way?</p> <p>9 A Because if they's put a fat unattractive</p> <p>10 man on here, they would not show up.</p> <p>11 Q But do you think that using your image in</p> <p>12 particular, Tiffany Toth's image, had an effect on</p> <p>13 someone coming to the strip club?</p> <p>14 MR. GOLASZEWSKI: Objection.</p> <p>15 A Yes.</p> <p>16 Q Why?</p> <p>17 A Because I'm a Playmate, a model who models</p> <p>18 lingerie and costumes, and they figured in that that</p> <p>19 brings male attention which is a lot of their</p> <p>20 customers.</p> <p>21 Q Wouldn't you agree that if you put the</p> <p>22 image of any attractive woman as the advertisement</p> <p>23 of the strip club, it would have the same effect as</p> <p>24 having your image?</p> <p>25 MR. GOLASZEWSKI: Objection.</p>	<p>1 T. TOTH</p> <p>2 you. So you have no way of knowing. So it's kind</p> <p>3 of like going to an audition, you don't know why you</p> <p>4 didn't get the job. They're not going to call every</p> <p>5 single person.</p> <p>6 So for example, had Playboy when was in my</p> <p>7 contract, and they saw this and thought I, you know,</p> <p>8 shot for this or I'm appearing here, they won't book</p> <p>9 me anymore. So I lose work, and they don't tell you</p> <p>10 why. Playboy would, but most jobs, they're just</p> <p>11 going to see you affiliated with this, and they're</p> <p>12 not going to hire you</p> <p>13 Q Do you believe that your personal</p> <p>14 reputation has suffered because of this?</p> <p>15 MR. GOLASZEWSKI: Objection.</p> <p>16 A I mean, I -- personally, it's just</p> <p>17 offensive. I mean, people that know me, know me.</p> <p>18 Q And the people that know you, know that</p> <p>19 you didn't sign up for this, correct?</p> <p>20 A Yeah, correct. But other people don't.</p> <p>21 Q Who is other people?</p> <p>22 A Society. People on social media. They</p> <p>23 figure if your face is on something, it was a job</p> <p>24 that you were paid for, that you agreed to that.</p> <p>25 Q So as far as you know, were you ever</p>
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<p>1 T. TOTH</p> <p>2 A No.</p> <p>3 Q Why not?</p> <p>4 A Because they would have used their own</p> <p>5 girls that really work there, but they didn't.</p> <p>6 Because if they believe that their girls bought in</p> <p>7 attention, they would have used them for it.</p> <p>8 Q What I'm saying is that could they have</p> <p>9 used the image of any woman who in a bikini, to</p> <p>10 advertise for the strip, having the same effect as</p> <p>11 having you advertise for the strip club?</p> <p>12 MR. GOLASZEWSKI: Objection.</p> <p>13 A I mean, there's no way to really say for</p> <p>14 sure.</p> <p>15 Q Your opinion.</p> <p>16 A But it's not a fact, so I don't know.</p> <p>17 Q Do you claim that you were injured as a</p> <p>18 result of these posting?</p> <p>19 A Injured how?</p> <p>20 Q Damaged, economically damaged?</p> <p>21 A I mean, for us in our industry, if they</p> <p>22 just -- when you don't -- how do I say this?</p> <p>23 If someone sees something they're not</p> <p>24 happy with or thinks you're affiliated with, they're</p> <p>25 not going to hire you and they're not going to tell</p>	<p>1 T. TOTH</p> <p>2 turned down from a photo shoot because of these</p> <p>3 postings?</p> <p>4 A They won't tell you. They just don't hire</p> <p>5 you.</p> <p>6 Q So as far as you know, that didn't happen?</p> <p>7 A I mean, you don't know. That's just not</p> <p>8 like how the industry works. They just don't tell</p> <p>9 you.</p> <p>10 Q Do you contend that you have suffered</p> <p>11 future loss of earnings because of these posting?</p> <p>12 A It could, yes.</p> <p>13 Q Do you know when these photos were posted?</p> <p>14 A These ones on their social media?</p> <p>15 Q Yes.</p> <p>16 A I mean, it usually says on them.</p> <p>17 Q You can look through.</p> <p>18 A I don't know. It looks like it was</p> <p>19 cropped out, so it doesn't say exactly.</p> <p>20 Q So you could look at the second page. It</p> <p>21 actually has on there, April 15, 2014.</p> <p>22 A Yeah.</p> <p>23 Q I believe that's the only one with the</p> <p>24 date.</p> <p>25 So the only one we see here is April 2014,</p>

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1 T. TOTH	2 correct?	1 T. TOTH
3 A Correct.	4 Q And as of the date of filing this lawsuit	2 to third parties?
5 in January of 2016, are you aware of whether or not	6 these pictures are still posted?	3 A They do not.
7 A I haven't checked recently.	8 Q From January 2016 when this lawsuit was	4 Q And it's because you say this is also this
9 first filed, are you aware whether or not those	10 photos were still being used by these defendants?	5 the release for Mystery House?
11 A I don't remember.	12 Q But you testified before that your income	6 A Yes, because I only signed for them to use
13 [REDACTED], correct?	14 MR. GOLASZEWSKI: Objection.	7 for their catalogs and their flyers.
15 A Yeah, because social media wasn't as big	16 Q When? 2014, it wasn't as big as it is	8 Q Okay. And if you could look through the
17 as it is now.	18 now?	9 Exhibit A. I didn't see anywhere where it was
19 A Yeah. I don't even know if I was on	20 Instagram. I mean, social media is kind of a bigger	10 indicated your name. Scroll through them.
21 thing than it was.	22 Q But as far as your personal income, from	11 I didn't see anywhere where these
23 2014 to when these photos were first posted to 2015,	24 [REDACTED]?	12 defendants ever indicated this is Tiffany Toth; is
25 A Probably because of social media too.		13 that correct?
Page 142		14 MR. GOLASZEWSKI: Objection.
1 T. TOTH	2 Q Because of social media, okay.	15 A Correct. They don't need to.
3 Do you have any feeling either way, or	4 knowledge either way, whether or not these	16 Q And just looking at your complaint also,
5 defendants intended to use Tiffany Toth's pictures	6 on their advertisement?	17 you claim that you've been dangered \$75,000,
7 MR. GOLASZEWSKI: Objection.	8 A I have no way of knowing that.	18 correct?
9 Q Whether or not they knew you from before	10 and chose your pictures to put on their website?	19 MR. GOLASZEWSKI: Objection.
11 MR. GOLASZEWSKI: Objection.	12 A They could have.	20 A I'm sorry, repeat that.
13 Q Do you know -- and going back to what you	14 said before -- is that these photos were taken on	21 Q Do you have any knowledge either way
15 behalf of Roma and Mystery House, right.	16 Do you know whether or not Roma sold your	12 whether or not these defendants knew that they
17 photos to third parties?	18 A They do not.	13 didn't have permission or a license to use these
19 Q How do you know that?	20 A Because it's in their release. And they	14 photographs?
21 only use their images with, for example, a website	22 that carries their product. That's all that the	15 A I can't say that for sure. I mean, it's
22 that carries their product. That's all that the	23 release allows.	16 common knowledge. You don't just take photos.
24 Q Okay. And as far as Mystery House, are	25 you aware of whether or not they sell their images	17 Everybody has their rights. But I would assume they
		18 knew better.
		19 MR. SPIEGEL: Off the record.
		20 (Whereupon, an off-the-record
		21 discussion was held at this
		22 time.)
		23 MR. SPIEGEL: Rebecca Goldstein is just
		24 going to ask a couple of questions.
		25 EXAMINATION BY

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1	T. TOTH	T. TOTH
2	MS. GOLDSTEIN:	2 A I'd have to refer back to the paperwork.
3	Q Have you ever heard of a company called	3 Q Okay. And how did you meet Peter Hamm?
4	Timed Out, LLC.	4 A I met him just like through the modeling
5	A Yes.	5 agency -- not modeling agency, through the modeling
6	Q How are you affiliated with them?	6 industry through my agent, NTA.
7	MR. GOLASZEWSKI: Objection.	7 Q NTA you said?
8	A I know him personally.	8 A Yeah.
9	Q Who is him?	9 Q And they do your print work, are your
10	A Peter.	10 print agent?
11	Q Peter. What's his last name?	11 A Yes.
12	A Peter Hamm.	12 Q So do you -- have you paid Timed Out or
13	Q And does Peter Hamm own Timed Out, LLC, to	13 Peter Hamm to help you in connection with these
14	the best of your knowledge?	14 lawsuits?
15	A Correct.	15 A No, I haven't paid him.
16	Q What does Timed Out do?	16 Q So does he pay you?
17	A Works as an agent, manager.	17 A No.
18	Q And is Timed Out your agent?	18 Q Do you have any type of written agreement
19	A At times, yes.	19 or any -- do you have any written agreement with him
20	Q What type of agent?	20 or with Timed Out?
21	A Helps me with my like, I guess, you could	21 A I mean, I always have written agreements
22	say likeness of images. For example, like this kind	22 with my people, yes.
23	of situation.	23 Q And if you know, what's the subject of
24	Q So Peter Hamm is your agent or Timed Out	24 your agreement with Peter Hamm or Timed Out?
25	would be your agent for these purposes?	25 A I'd have to refer back to it.
	Page 146	Page 148
1	T. TOTH	T. TOTH
2	A Well, his company is Timed Out.	2 Q Have you ever owned any part of Timed Out?
3	Q So to the best of your knowledge, is he	3 A No.
4	the president of Timed Out?	4 Q Or have any equity stake in it?
5	A Yes.	5 A No.
6	Q Do you know if he's the only owner of the	6 Q And you said you weren't sure if they have
7	company?	7 any affiliation with this lawsuit, if they've helped
8	A I'm not sure.	8 you with this at all?
9	Q So you said Timed Out and Peter Hamm help	9 A I'd have to look back. I'd have to look
10	you with situations like this.	10 back at e-mails.
11	You mean this lawsuit?	11 Q E-mails with Peter Hamm or Timed Out?
12	A Yes. I mean, if I contact him, yes, for	12 A Well, no. Just in general.
13	like advise or -- yeah.	13 MS. GOLDSTEIN: Okay. I think that's all
14	Q And did you contact him in connection with	14 of that.
15	this lawsuit?	15 Q So have you understood all of the
16	A I don't know if it was this one or not.	16 questions that you were asked today?
17	Q But you've contacted him in connection	17 A To the best my knowledge, yes.
18	with other lawsuits that you've filed?	18 Q Have you answered all of the questions
19	A Yes.	19 truthfully, to the best of your ability?
20	Q And was one of those Timed Out versus LA	20 A Yes.
21	Girl Jewelry?	21 Q And is there anything else that you feel
22	Does that ring a bell?	22 that's important to state today?
23	A Probably, yes.	23 A I don't think so. Just that I didn't give
24	Q Do you remember what your claims were in	24 permission or work for the company. So that's about
25	that case?	25 it.

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	Page 149	Page 151
1	T. TOTH	1
2	MS. GOLDSTEIN: Okay.	2 TT12 photograph 50
3	MR. SPIEGEL: John, do you have any	3 TT13 photograph 54
4	follow-up questions?	4 TT14 photograph 57
5	MR. GOLASZEWSKI: Nothing for plaintiffs.	5 TT15 photograph 58
6	MR. SPIEGEL: Okay. We're done. Thank	6 TT16 photograph 60
7	you.	7 TT17 sample release form 88
8	(Whereupon, at 3:17 p.m., the	8 TT18 contract with Blackheart Rum 100
9	examination of this witness was	9 TT19 2011 financial information 104
10	concluded.)	10 TT20 2012 financial information 104
11		11 TT21 2013 financial information 105
12		12 TT22 2014 financial information 106
13	TIFFANY TOTH	13 TT23 2015 financial information 106
14		14
15		15 (Exhibits retained by Reporter.)
16	Subscribed and sworn to before me	16
17	this ____ day of _____ 20____.	17
18		18
19		19
20	NOTARY PUBLIC	20
21		21
22		22
23		23
24		24
25		25
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1		1
2	INDEX	2 CERTIFICATE
3	EXAMINATION BY	3 STATE OF NEW YORK)
4	MR. SPIEGEL	4 :ss.:)
5	MS. GOLDSTEIN	144 COUNTY OF KINGS)
6		5
7	INFORMATION AND/OR DOCUMENTS REQUESTED	6
8	INFORMATION AND/OR DOCUMENTS	7 I, Avery N. Armstrong, a Notary Public for
9	contracts for the past 10 years with	8 and within the State of New York, do hereby certify:
10	Mystery House or Roma.	9 That the witness whose examination is
11	2016 tax returns	10 hereinbefore set forth was duly sworn and that such
12	witness's model release	11 examination is a true record of the testimony given
13		12 by that witness.
14	EXHIBITS FOR ID	13 I further certify that I am not related to
15	TT1 second amended complaint	14 any of the parties to this action by blood or by
16	TT2 photograph	15 marriage and that I am in no way interested in the
17	TT3 photograph	16 outcome of this matter.
18	TT4 photograph	17 IN WITNESS WHEREOF, I have hereunto set my
19	TT5 photograph	18 hand this 13th day of April 2017.
20	TT6 photograph	
21	TT7 photograph	
22	TT8 photograph	
23	TT9 photograph	
24	TT10 photograph	
25	TT11 photograph	